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OFFICE OF PETITIONS

In re Application of :
Heckel et al. :
Application No. 10/624,983 : ON PETITION
Filed: 22 July, 2003 :
Atty Docket No. 1/1373 :

This is a decision on the petition filed on 11 April, 2005, requesting that the application be accorded a filing date of 22 July, 2003, with a complete specification, including 19 claims, as a part of the original disclosure.

The petition is **GRANTED**

The application was filed on 22 July, 2003. On 21 October, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" stating that the application did not include at least one claim and that a complete specification as prescribed by 35 U.S.C. § 112 was required. The Notice also stated that the oath or declaration and a late filing surcharge were required. In response, on 19 January, 2005, petitioners filed an executed declaration, the late filing surcharge, and a one (1) month extension of time.

Accordingly, on 8 February, 2005, OIPE mailed a "Notice of Incomplete Nonprovisional Application" stating that application did not include at least one claim as prescribed by 35 U.S.C. § 112, and that the filing date would be the date of receipt of a complete specification including at least one claim were received in the Office. The English translation fee was also required. A two (2) month period for reply was set. On 11 April, 2005 (certificate of mailing date 8 April, 2005), the present petition was filed.

The present petition asserts that a complete specification, including 19 claims, in German, was present in the application papers deposited on 22 July, 2003. The petition is accompanied by a specification in English of 356 pages, including 19 claims, and a declaration by Jane Roberta Mann stating that the English specification filed therewith is a true and accurate translation of the German language document filed on 22 July, 2003.

The German language specification filed on 22 July, 2003, has been located in the file. Accordingly, the "Notice" mailed on 8 February, 2005, was mailed in error and is hereby vacated. The petition fee has been refunded to counsel's deposit account, No. 02-2955, as authorized in the present petition.

The English translation fee of \$130.00 will be charged to counsel's deposit account as authorized in the present petition.

The application file will be referred to OIPE for further processing using the 345 pages of German text as the specification and claims, including one page of abstract, as the original disclosure, and an indication in Office records that 19 claims were submitted on filing. The English copy of the specification, claims, and abstract filed with the present petition on 11 April, 2005, will be used for examination purposes.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
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